

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4 v.

14 Cr. 177 (TPG)

5 JONATHAN NAANAA,

Plea

6 Defendant.

7 -----x

8 New York, N.Y.

9 April 3, 2014

2:35 p.m.

10 Before:

11 HON. THOMAS P. GRIESA

12 District Judge

13 APPEARANCES

14 PREET BHARARA

15 United States Attorney for the

16 Southern District of New York

17 ANDREA GRISWOLD

Assistant United States Attorney

18 JONATHAN MARKS

19 Attorney for Defendant

1 (Case called)

2 THE CLERK: Is the government ready?

3 MS. GRISWOLD: Yes. Andrea Griswold for the
4 government. Good afternoon, your Honor.

5 THE COURT: Good afternoon.

6 THE CLERK: Defendant present and ready?

7 MR. MARKS: Yes. Good afternoon, your Honor.

8 Jonathan Marks for Mr. Naanaa.

9 THE COURT: What do we need to do today?

10 MR. MARKS: Your Honor, Mr. Naanaa is prepared to
11 waive indictment and plead guilty to a superseding information
12 pursuant to a written plea agreement.

13 THE COURT: Can I question your client?

14 MR. MARKS: Yes, please.

15 THE COURT: Stay seated. The microphone otherwise
16 won't pick you up.

17 How do I pronounce your client's name?

18 MR. MARKS: "Na-na".

19 THE COURT: Mr. Naanaa, how old are you?

20 THE DEFENDANT: 24.

21 THE COURT: You are represented here by your attorney
22 Jonathan Marks?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Are you satisfied with his representation
25 and his advice?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Has any force been used against you or any
3 threats made against you to get you to do what your lawyer
4 described?

5 THE DEFENDANT: No, not at all, your Honor.

6 THE COURT: Let's start with the waiver of indictment.
7 Do you understand that a criminal proceeding usually and
8 normally proceeds on the basis of an indictment? An indictment
9 is handed up by a grand jury, who has heard some evidence, not
10 tried the case but heard some evidence, and found probable
11 cause to believe a crime should be charged. Do you understand
12 that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Are you willing to have the case go
15 forward on the basis of an information, which is not an
16 indictment, it is just a document signed by the Department of
17 Justice? Are you willing to have the case go forward on the
18 basis of that information rather than an indictment?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: I find that there has been an effective
21 waiver of indictment.

22 The case will go forward on the basis of the
23 superseding information.

24 Did you sign a plea agreement today?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Mr. Marks, did you sign it also?

2 MR. MARKS: I did.

3 THE COURT: I am not going to try to go through all
4 the features of the possible sentence, the rules and
5 regulations, but just call attention to what is essentially on
6 the first page of the plea agreement. There are two counts we
7 are dealing with.

8 Under the law, under the statute, anyone who has been
9 convicted of what is charged in Count One can be given a
10 sentence of up to 20 years in prison followed by a supervised
11 release term of up to 3 years. There also can be a very large
12 fine. In addition to any other feature, there must be a \$100
13 special assessment paid. Do you understand what I have told
14 you?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And anyone who is convicted of what is
17 charged in Count Two can be sentenced to a prison term of up to
18 20 years, followed by a supervised release term of up to 3
19 years, again in theory can be given a very large fine, and in
20 addition to any other feature of the sentence there must be a
21 payment of a \$100 special assessment. Do you understand that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: There needs to be a summary in open court
24 of what the charges are. I think it would help if the
25 assistant did that. Could you make a short summary of the

1 charges.

2 MS. GRISWOLD: The charges and the elements, your
3 Honor?

4 THE COURT: In the superseding information.

5 MS. GRISWOLD: Yes, your Honor. The superseding
6 information charges two counts of Hobbs Act robbery, each in
7 violation of Title 18.

8 THE COURT: I don't need to know the title. Just the
9 facts, what is alleged factually.

10 MS. GRISWOLD: The first count charges the defendant
11 with conspiracy to rob cellular phone stores, and the second
12 count of the superseding information charges the defendant with
13 participating in a conspiracy to rob a drug dealer of
14 approximately \$60,000 in narcotics proceeds.

15 THE COURT: Do you understand what the assistant has
16 said?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Thank you very much.

19 MS. GRISWOLD: Would you like me to put the elements
20 on the record, your Honor?

21 THE COURT: Not at all.

22 Now I want to ask you some questions, Mr. Naanaa to
23 make sure that you understand the rights you are giving up. Do
24 you understand that you do not need to plead guilty and that
25 you have a right to go to trial?

1 THE DEFENDANT: Yes, your Honor, I know.

2 THE COURT: Do you understand that at that trial you
3 would have a right to an attorney at all times, you would have
4 a right to an attorney on any appeal, and you would have the
5 right to have the government pay for your attorney as long as
6 you could not pay for one yourself? Do you understand that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: At that trial your attorney would have the
9 right to cross-examine all government witnesses and get a court
10 order to bring in any witnesses who might testify for you. Do
11 you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: At that trial you yourself would have a
14 right to remain silent and you would have a right to have the
15 court instruct the jury that they could not hold it against you
16 that you remained silent. Do you understand that?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: But if you plead guilty, there will be no
19 trial, you will be convicted on the basis of your own plea and
20 your own admission, and you will need to tell me in your own
21 words what you did to commit the offenses that are charged
22 here. You will need to make all statements in that regard
23 truthfully, or else you will be guilty of a new crime, of
24 perjury or false statement. Do you understand that?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Let's take it one count at a time. If you
2 wish to plead guilty to Count One, what did you do to commit
3 that offense?

4 THE DEFENDANT: Between the months of June and
5 September me and someone else planned to rob cell phone stores
6 and one bar.

7 THE COURT: Did you commit any of the robberies?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Where did this occur?

10 THE DEFENDANT: One of them occurred in the Bronx and
11 in Brooklyn.

12 THE COURT: One of them occurred in the Bronx, right?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: What did you do to commit the offense
15 charged in Count Two?

16 THE DEFENDANT: Me and someone else planned to rob a
17 drug dealer in Jamaica, Queens.

18 THE COURT: Did you do any robbing?

19 THE DEFENDANT: Yes, we robbed him for about 60,000.

20 THE COURT: That was in Queens?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Did anything occur in Manhattan or the
23 Bronx or in this district?

24 MR. MARKS: I don't believe so, Judge. Mr. Naanaa is
25 prepared to waive venue.

1 THE COURT: I'll take the waiver.

2 The Court finds that Mr. Naanaa has made a proper
3 admission of the charges in Counts One and Two, that he has
4 done so knowingly, and the Court accepts the plea.

5 Is there anything else?

6 MS. GRISWOLD: Your Honor, the government would note
7 that the cell phone stores robbed in Count One carried goods
8 that traveled in interstate commerce and that the drug dealer
9 that was robbed in Count Two sold narcotics that had traveled
10 in interstate commerce.

11 THE COURT: Thank you. Anything else?

12 MS. GRISWOLD: Not from the government.

13 MR. MARKS: Nor from the defense. Thank you.

14 THE COURT: Thank you. My deputy clerk has down
15 Tuesday, October 21, 2014, for sentencing date. I assume that
16 is agreeable. Thank you.

17 (Adjourned)

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